TYPE I−FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17−cv−02130−RDM

BRADY CENTER TO PREVENT GUN VIOLENCE v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Randolph D. Moss
Cases: 1:18−cv−02637−RDM
1:18−cv−02643−RDM
Cause: 05:552 Freedom of Information Act

Date Filed: 10/16/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

BRADY CENTER TO PREVENT GUN VIOLENCE

represented by **Alan Arnold Pemberton**
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662−5642
Fax: 202−778−5642
Email: apemberton@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin Travers Barnett
COVINGTON & BURLING LLP
One City Center
850 Tenth Street N.W.
Washington, DC 20001
(202) 662−5430
Fax: (202) 662−6291
Email: kbarnett@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nooree Lee
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662−5909
Email: nlee@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252−2561
Fax: (202) 252−2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

represented by

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

Marina Utgoff Braswell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/16/2017	1	COMPLAINT against All Defendants (Filing fee $ 400 receipt number 0090−5159991) filed by BRADY CENTER TO PREVENT GUN VIOLENCE. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Summons Attorney General, # 5 Summons ATF, # 6 Summons DOJ, # 7 Summons U.S Attorney of DC)(Barnett, Kevin) (Entered: 10/16/2017)
10/16/2017		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 10/16/2017)
10/16/2017	2	SUMMONS (4) Issued Electronically as to BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # 1 Notice and Consent)(zsb) (Entered: 10/16/2017)
10/16/2017	3	Corporate Disclosure Statement by BRADY CENTER TO PREVENT GUN VIOLENCE. (Barnett, Kevin) (Entered: 10/16/2017)
11/10/2017	4	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/23/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/22/2017. (Attachments: # 1 Exhibit)(Barnett, Kevin) (Entered: 11/10/2017)
11/27/2017		MINUTE ORDER: The Defendants are hereby ORDERED to answer or otherwise respond to the Complaint 1 on or before December 11, 2017. Signed by Judge Randolph D. Moss on 11/27/2017. (lcrdm1,) (Entered: 11/27/2017)
11/27/2017	5	MOTION for Extension of Time to File Answer by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 11/27/2017)
11/27/2017	6	NOTICE of Appearance by Marina Utgoff Braswell on behalf of BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 11/27/2017)
11/28/2017		Set/Reset Deadlines: Defendants to answer or otherwise respond to the Complaint 1 on or before 12/11/2017. (kt) (Entered: 11/28/2017)
11/28/2017		MINUTE ORDER: Upon consideration of Defendants' Motion for Extension of Time to File Answer 5 , it is hereby ORDERED that the motion is DENIED as moot in light of the Court's November 27, 2017 Minute Order, in which the Court sua sponte granted Defendants an extension of time to file an answer on or before December 11, 2017. Signed by Judge Randolph D. Moss on 11/28/2017. (lcrdm1,) (Entered: 11/28/2017)
12/01/2017	7	ANSWER to Complaint by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE.(Braswell, Marina) (Entered: 12/01/2017)
12/04/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on December 21, 2017, at 10:15 a.m. in Courtroom 21. It is further ORDERED that the parties shall meet and confer prior to the status conference to discuss the status of the Department's search and scheduling for further proceedings. Signed by Judge Randolph D. Moss on 12/4/2017. (lcrdm1,) (Entered: 12/04/2017)
12/04/2017		Set/Reset Hearings: Status Conference set for 12/21/2017, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/04/2017)
12/18/2017	8	NOTICE of Appearance by Nooree Lee on behalf of BRADY CENTER TO PREVENT GUN VIOLENCE (Lee, Nooree) (Entered: 12/18/2017)
12/20/2017	9	NOTICE of Appearance by Alan Arnold Pemberton on behalf of BRADY CENTER TO PREVENT GUN VIOLENCE (Pemberton, Alan) (Entered: 12/20/2017)

12/21/2017		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 12/21/2017. The 1,000 pages shall be reviewed and produced, to the extent they are not subject to a FOIA exemption, by 2/9/2018; If the parties conclude there is a need for a further search, it shall be addressed in the next joint status report due 1/30/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 12/21/2017)
01/30/2018	10	Joint STATUS REPORT by BRADY CENTER TO PREVENT GUN VIOLENCE. (Barnett, Kevin) (Entered: 01/30/2018)
01/31/2018		MINUTE ORDER: Upon consideration of the Joint Status Report 10 , it is hereby ORDERED that the parties submit a further joint status report on or before February 28, 2018. Signed by Judge Randolph D. Moss on 1/31/2018. (lcrdm1,) (Entered: 01/31/2018)
01/31/2018		Set/Reset Deadlines: Joint Status Report due by 2/28/2018. (kt) (Entered: 01/31/2018)
02/28/2018	11	Unopposed MOTION for Extension of Time to File *Joint Status Report* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 02/28/2018)
03/01/2018		MINUTE ORDER: Upon consideration of Defendants' Motion for Extension of Time 11 , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before March 2, 2018. Signed by Judge Randolph D. Moss on 3/1/2018. (lcrdm1,) (Entered: 03/01/2018)
03/01/2018		Set/Reset Deadlines: Joint Status Report due by 3/2/2018. (kt) (Entered: 03/01/2018)
03/02/2018	12	Joint STATUS REPORT by BRADY CENTER TO PREVENT GUN VIOLENCE. (Barnett, Kevin) (Entered: 03/02/2018)
03/02/2018		MINUTE ORDER: Upon consideration of the parties' Joint Status Report 12 , it is hereby ORDERED that Defendants shall complete its re−processing of the 168 pages of records previously identified as outside the scope of the White Paper Request and shall release all non−exempt records on or before March 12, 2018. It is further ORDERED that Defendants shall provide a declaration regarding the search along with a Vaughn index for its White Paper FOIA response on or before March 16, 2018. It is further ORDERED that Defendants shall make a substantial production of records of 500 or more pages responsive to the Warning Letter Request on or before March 9, 2018. It is further ORDERED that the parties shall appear for a status conference on March 13, 2018, at 10:30 a.m., in Courtroom 21. Signed by Judge Randolph D. Moss on 3/2/2018. (lcrdm1,) (Entered: 03/02/2018)
03/05/2018		Set/Reset Deadlines/Hearings: Defendants shall complete its re−processing of the 168 pages of records previously identified as outside the scope of the White Paper Request and shall release all non−exempt records on or before 3/12/2018; Defendants shall provide a declaration regarding the search along with a Vaughn index for its White Paper FOIA response on or before 3/16/2018; Defendants shall make a substantial production of records of 500 or more pages responsive to the Warning Letter Request on or before 3/9/2018. Status Conference set for 3/13/2018, at 10:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 03/05/2018)
03/13/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 3/13/2018. Defendant ATF shall produce on a rolling basis 750 pages of records per month. (Court Reporter: Jeff Hook.) (kt) (Entered: 03/13/2018)
05/25/2018	13	MOTION for Scheduling Order by BRADY CENTER TO PREVENT GUN VIOLENCE (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Text of Proposed Order)(Barnett, Kevin) (Entered: 05/25/2018)
05/29/2018		MINUTE ORDER: It is hereby ORDERED that Defendants respond to Plaintiff's Motion for Scheduling Order, Dkt. 13 , on or before June 1, 2018. Signed by Judge Randolph D. Moss on 5/29/2018. (lcrdm1,) (Entered: 05/29/2018)
05/29/2018		Set/Reset Deadlines: Defendant's Response due by 6/1/2018. (kt) (Entered: 05/29/2018)

06/01/2018	14	Memorandum in opposition to re 13 MOTION for Scheduling Order *(Opposition in Part)* filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE. (Braswell, Marina) (Entered: 06/01/2018)
06/05/2018		MINUTE ORDER: It is hereby ORDERED that the parties appear for a status conference on June 25, 2018, at 2:15 p.m., in Courtroom 21. Signed by Judge Randolph D. Moss on 6/5/2018. (lcrdm1,) (Entered: 06/05/2018)
06/06/2018		Set/Reset Hearings: Status Conference set for 6/25/2018, at 2:15 PM, in Courtroom 21, before Judge Randolph D. Moss. (zkt) (Entered: 06/06/2018)
06/25/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 6/25/2018. Defendant's Motion for Summary Judgment, with respect to the white paper issue and the appropriations rider, is due on or before 7/30/2018; Plaintiff's Opposition to Motion for Summary Judgment and Cross Motion due on or before 9/7/2018; Defendant's Reply to the Motion for Summary Judgment and Opposition to the Cross Motion due on or before 10/12/2018; Plaintiff's Final Reply due on or before 10/26/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 06/25/2018)
07/30/2018	15	Unopposed MOTION for Extension of Time to File *Dispositive Motion* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 07/30/2018)
08/01/2018		MINUTE ORDER: Upon consideration of Defendants' Unopposed Motion for Extension of Time 15 , it is hereby ORDERED that the motion is GRANTED. Defendants shall file their dispositive motion on or before August 3, 2018. Plaintiff shall file its opposition and cross−motion, if any, on or before September 10, 2018. Signed by Judge Randolph D. Moss on 8/1/2018. (lcrdm1,) (Entered: 08/01/2018)
08/01/2018		Set/Reset Deadlines: Defendants shall file their dispositive motion on or before 8/3/2018; Plaintiff shall file its opposition and cross−motion, if any, on or before Responses due by 9/10/2018. (kt) (Entered: 08/01/2018)
08/03/2018	16	MOTION for Summary Judgment *in Part* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Attachments: # 1 Chisholm Declaration, # 2 Kil Declaration)(Braswell, Marina) (Entered: 08/03/2018)
09/10/2018	17	Cross MOTION for Partial Summary Judgment by BRADY CENTER TO PREVENT GUN VIOLENCE (Attachments: # 1 Text of Proposed Order Proposed Order, # 2 Memorandum in Support Memo. of Points and Authorities, # 3 Statement of Facts Statement of Undisputed Facts, # 4 Declaration Decl. of Nooree Lee, # 5 Exhibit A, # 6 Exhibit B, # 7 Exhibit C, # 8 Exhibit D, # 9 Exhibit E, # 10 Exhibit F)(Lee, Nooree) (Entered: 09/10/2018)
09/10/2018	18	Memorandum in opposition to re 16 MOTION for Summary Judgment *in Part* filed by BRADY CENTER TO PREVENT GUN VIOLENCE. (ztd) (See docket entry no. 17 to view). (Entered: 09/12/2018)
10/10/2018	19	Unopposed MOTION for Extension of Time to File Response/Reply as to 17 Cross MOTION for Partial Summary Judgment *and Reply to Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 10/10/2018)
10/24/2018		MINUTE ORDER: Upon consideration of Defendants' unopposed motion for extension of time, Dkt. 19 , it is hereby ORDERED that the motion is GRANTED. Defendants shall file their opposition to Plaintiff's cross−motion for partial summary judgment and reply to Plaintiff's opposition to Defendants' motion for partial summary judgment on or before October 26, 2018. Further, Plaintiff shall file its reply on or before November 9, 2018. Signed by Judge Randolph D. Moss on 10/24/2018. (lcrdm1,) (Entered: 10/24/2018)
10/24/2018		Set/Reset Deadlines: Defendants shall file their opposition to Plaintiff's cross−motion for partial summary judgment and reply to Plaintiff's opposition to Defendants' motion for partial summary judgment on or before 10/26/2018; Plaintiff shall file its reply on or before 11/9/2018. (kt) (Entered: 10/24/2018)

10/24/2018	20	Unopposed MOTION for Extension of Time to File Response/Reply as to 17 Cross MOTION for Partial Summary Judgment , 16 MOTION for Summary Judgment *in Part* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 10/24/2018)
10/25/2018		MINUTE ORDER: Upon consideration of Defendants' unopposed motion for extension of time, Dkt. 20 , it is hereby ORDERED that the motion is GRANTED. Defendants shall file their opposition to Plaintiff's cross−motion for partial summary judgment and reply to Plaintiff's opposition to Defendants' motion for partial summary judgment on or before October 30, 2018. Further, Plaintiff shall file its reply on or before November 13, 2018. Signed by Judge Randolph D. Moss on 10/25/2018. (lcrdm1,) (Entered: 10/25/2018)
10/25/2018		Set/Reset Deadlines: Defendants shall file their opposition to Plaintiff's cross−motion for partial summary judgment and reply to Plaintiff's opposition to Defendants' motion for partial summary judgment on or before 10/30/2018; Plaintiff shall file its reply on or before 11/13/2018. (kt) (Entered: 10/25/2018)
10/30/2018	21	REPLY to opposition to motion re 16 MOTION for Summary Judgment *in Part* filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # 1 Second Chisholm Declaration)(Braswell, Marina) (Entered: 10/30/2018)
10/30/2018	22	Memorandum in opposition to re 17 Cross MOTION for Partial Summary Judgment filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # 1 Response to Statement of Material Facts, # 2 Second Chisholm Declaration)(Braswell, Marina) (Entered: 10/30/2018)
10/31/2018	23	NOTICE *(Notice of Filing of Exhibits A−E In Support of the Second Declaration of Peter J. Chisholm)* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE re 22 Memorandum in Opposition, 21 Reply to opposition to Motion, (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Braswell, Marina) (Entered: 10/31/2018)
11/13/2018	24	REPLY to opposition to motion re 17 Cross MOTION for Partial Summary Judgment filed by BRADY CENTER TO PREVENT GUN VIOLENCE. (Attachments: # 1 Declaration of Kevin Barnett, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Barnett, Kevin) (Entered: 11/13/2018)
01/09/2019	25	MOTION to Stay *(Defendants' Motion to Stay Proceedings in Light of Lapse in Appropriations)* by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE (Attachments: # 1 Text of Proposed Order)(Braswell, Marina) (Entered: 01/09/2019)
01/10/2019		MINUTE ORDER: Upon consideration of Defendant's motion to stay, Dkt. 25 , it is hereby ORDERED that Plaintiff shall respond to the motion on or before Monday, January 14, 2019. Signed by Judge Randolph D. Moss on 1/10/2019. (lcrdm1,) (Entered: 01/10/2019)
01/10/2019		Set/Reset Deadlines: Plaintiff shall respond to the motion on or before 1/14/2019. (kt) (Entered: 01/10/2019)